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IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID B. CORNEAL AND  
SANDRA Y. CORNEAL

CASE NO. 1:00-CV-1192

vs.

J Rambo

JACKSON TOWNSHIP, Huntingdon  
County, Pennsylvania,  
W. THOMAS WILSON, Individually and  
in his Official Capacity as Supervisor of  
Jackson Township, MICHAEL YODER,  
Individually and in his Official Capacity as  
Supervisor of Jackson Township,  
RALPH WEILER, Individually and in his  
Official Capacity as Supervisor of Jackson  
Township, BARRY PARKS, Individually  
and in His Official Capacity as Sewage  
Enforcement Officer of Jackson Township,  
DAVID VAN DOMMELEN, Individually  
and in his Official Capacity as Building  
Permit Officer, ANN I. WIRTH,  
Individually and in her Official Capacity as  
Secretary of Jackson Township, and

JURY TRIAL DEMANDED

FILED  
HARRISBURG PA

MAR 27 2002

MARY E. D'ANDREA, CLERK  
Per ATL

**DEFENDANTS, DEFENDANTS' JACKSON TOWNSHIP, W. THOMAS  
WILSON, MICHAEL YODER, RALPH WEILER, BARRY PARKS,  
DAVID VAN DOMMELEN AND ANN I. WIRTH'S MOTION FOR LEAVE  
OF COURT TO FILE A BRIEF IN EXCESS OF THE PAGE LIMITATION  
OF LOCAL RULE 7.8**

NOW COMES Defendants Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth by and through their authorized counsel of record, Mayers, Mennies & Sherr, LLP and moves this Honorable Court for leave to file a Brief in excess of the page limitations of Local Rule 7.8 and, in support thereof, avers as follows:

1. In this purported civil rights action, Plaintiffs, David B. and Sandra Y. Corneal seek to recover for alleged violations of their federally protected rights pursuant to 42 U.S.C. §1983, as well as to recover for alleged state law claims in an action against Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth.

2. The above-named Defendants have prepared a Motion for Summary Judgment on each of the four counts alleged in Plaintiffs' Amended Complaint.

3. Essentially, Defendants maintain that the undisputed material facts of record demonstrate that Plaintiffs were not deprived of any federally protected rights, which are actionable under §1983 nor did they commit conspiracy, interference with performance of a contract, or violate the Pennsylvania Constitution; the individual Defendants are entitled to qualified immunity.

4. Local Rule of Civil Procedure 7.8 provides in relevant part as follows:

... unless authorized especially by the Judge in a particular case, briefs, including briefs or motions shall be double spaced and limited to fifteen (15) pages each. No brief exceeding fifteen (15) pages shall be filed without prior authorization. Any motion for such authorization shall specify the length of the brief requested and shall be filed at least two (2) working days before the brief is due.

5. Currently, there is no scheduled due date for dispositive motions in this action, but Defendants have prepared the requisite Motion for Summary Judgment and the attendant Memorandum of Law.

6. Based on this preparation, the 15 page limitation of Briefs contained in Local Rule of Civil Procedure 7.8 is not adequate to address the legal issues raised by Defendants in their Motion for Summary Judgment due to the numerous depositions taken in this case, the number of legal issues raised by Defendants' Motion and in light of Local Rule of Civil Procedure 5.1 (which prescribes size requirements of proportional fonts of no less than 14 points).

7. Based on the foregoing, Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth respectfully request that this Honorable Court grant their Motion for Leave to File their Principal Brief in Support of their Motion for Summary Judgment not in excess of 40 pages in length; the Reply Brief, if any, shall be limited to 15 pages in length.

**WHEREFORE**, based on the foregoing, Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth respectfully request that this Honorable Court grant their Motion

for Leave of Court to File a Brief in Excess of the Page Limitations of Local Rule  
of Civil Procedure 7.8.

**MAYERS, MENNIES & SHERR, LLP**

BY:   
ANTHONY R. SHERR, ESQUIRE  
Attorney for Defendants

3031 Walton Road, Building A  
Suite 330, P.O. Box 1547  
Blue Bell, PA 19422-0440  
(610) 825-0300  
Fax (610) 825-6555

**CERTIFICATE OF SERVICE**

I, Cheryl Zeigler, hereby certify that on the 27<sup>th</sup> day of March, 2002, a true and correct copy of Defendants, Jackson Township, W. Thomas Wilson, Michael Yoder, Ralph Weiler, Barry Parks, David Van Dommelen and Ann I. Wirth's Motion for Leave of Court to File a Brief in Excess of the Page Limitation of Local Rule 7.8, was served by first class regular mail, postage prepaid upon the following:

Bridget E. Montgomery, Esquire  
Adam Sheinvold, Esquire  
Eckert, Seamans Cherin & Mellott  
213 Market Street, 8<sup>th</sup> Floor  
Harrisburg, PA 17101

Michele J. Thorp, Esquire  
**Thomas, Thomas & Hafer, LLP**  
305 North Front Street, 6<sup>th</sup> Floor  
P.O. Box 999  
Harrisburg, PA 17108

BY: Cheryl Zeigler  
Cheryl Zeigler  
Legal Assistant to Anthony R. Sherr

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Individually and in her Official Capacity as  
Secretary of Jackson Township, and

JURY TRIAL DEMANDED

**CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE**

The undersigned hereby certifies that on March 27, 2002, he contacted the offices of Bridget E. Montgomery, Esquire and Adam Sheinvold, Esquire, counsel for Plaintiffs in order to seek their concurrence in this Motion, but have not received a response; the undersigned also certifies that Michele Thorp, Esquire, counsel for

Defendant, Ralph Weiler in order to seek her concurrence in this Motion and she has concurred.

**MAYERS, MENNIES & SHERR, LLP**

BY:

  
\_\_\_\_\_  
ANTHONY R. SHERR, ESQUIRE  
Attorney for Defendants

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